

01-08-07

JFW



IN THE US PATENT AND TM OFFICE

Appn. Number: 10/017,280

Filing Date : 2001 Dec 07

Applicants : Zemlyakov, Vladimir and McDonough, Patrick

Appn. Title : Upper Extremity Exoskeleton Structure and Method

Examiner : Yu, Justine Romand/GAU 3764

Mailed 2007, January 5, Fri.

At North Andover, MA

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Please, consider the following as a response to the Office of Petitions Letter mailed 14 November, 2006:

1. According to the Notice of Abandonment mailed on 3 June, 2004, the application became abandoned on 7 November, 2003, for **failure to timely file corrected drawings** as required by the Notice of Allowability mailed on 6 August, 2003, which set a three (3) month statutory period for reply.

As Applicants had stated in prior letters, the Applicants' reply including **corrected drawings** was sent on August 7, 2003 that was two days later on the Interview date held on 5 August, 2003 and one

day later on the Interview Summary and the Notice of Allowability mailed on 6 August, 2003 by the Patent Office.

According to record of USPS, the Applicants' reply was delivered at 9:31 am on August 8, 2003 in Arlington, VA to the Patent Office and signed by the Patent Office worker.

But Applicants' reply was not filed by the Patent Office in proper time. Unfortunately perhaps, the Applicants' letter was lost into the Patent Office.

Therefore, if the Applicants' reply with corrected drawings was filed by the Patent Office in proper time, it was not problem with **failure to timely file corrected drawings**. No any other reasons to abandon the application were stated in the Notice of Abandonment.

Also, Applicants would like to note that the application became abandoned on 7 November, 2003 and the Notice of Abandonment was mailed on June 3, 2004, almost one year later on the Interview date. Nobody had contacted with Applicants for that period although Issue and Publication Fees were received and filed by the Patent Office in proper time. Applicants understand that informal contacts are not imperative, but our previous experience with the Patent Office has shown that same questions had been settled sooner and successfully.

2. The Office of Petitions letter "noted that proper drawings have still not been received". This argument lacks merit because **copies of original corrected drawings** were filed by Patent Office twice: first time on June 21, 2004 and second time on May 25, 2006 in response to the Notice of Draftsperson's Patent Drawing Review.

3. As Applicants have stated in last letters, only the Certificate of Mail dated 7 August, 2003 clearly indicates that the Applicants' reply was sent after the Interview date and, accordingly, in response to the Examiner's

interview held on 5 August, 2003.

Also, Applicants have repeatedly stated that reference to the Office action in the transmittal letter has only indicated that requirements and details comprising in the Office action mailed on July 16, 2003 were the substance of the Interview. Moreover, as regarding to correct drawings, Examiner's Amendment enclosed in the Interview Summary has straight denoted the Office action: "**The drawings are objected to, see the previous office action for details**". The previous office action was the Office action mailed on 16 July, 2003.

As well, Applicants have not found that reference to the Office action in the transmittal letter could be considered **rather than** mailing date and the Certificate of Mail.

**At last, Applicants would like to note it is not important there was reference to the Office action mailed on July 16, 2003, or the Examiner's Interview, or the Notice of Allowability, or nothing reference in the transmittal letter because the Applicants' reply was lost and was not filed by the Patent Office. It was all the same, the application became abandoned for failure to timely file corrected drawings.**

4. Again, Applicants have not found arguments of the Office of Petitions to revive the Patent Application and pay additional fee. Applicants again want to repeat that **if Applicants' reply with corrected drawings mailed on August 7, 2003 was filed by the Patent Office in proper time, it was not problem with "failure to timely file corrected drawings"**.

Applicants, as well, have noted that every letter from the Office of Petition has contained new arguments for dismiss.

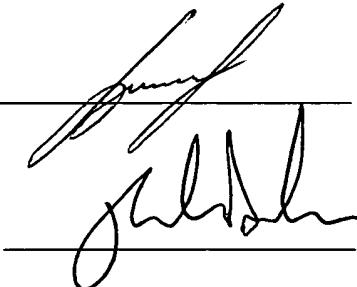
In particular, Applicants did not disclose direct indication in 37 CFR 1.4, which "requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors

in an application". One inventor who was specified as Correspondence Address in Utility Patent Application Transmittal had signed all correspondence with the Patent Office for this application and former patents. It was no problem before last letter from the Office of Petition.

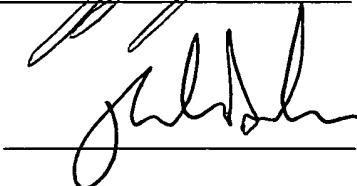
5. Considering the above, Applicants again respectfully request to withdraw Holding of the Abandonment and issue the Patent because Applicants have sent the formal reply including the substance of the Interview with **corrected drawings in timely** and Issue and Publication Fees (\$ 950.00) mailed on September 17, 2003.

Very respectfully,

Vladimir Zemlyakov

A handwritten signature in black ink, appearing to read "Vladimir Zemlyakov". It is written over two horizontal lines.

Patrick McDonough

A handwritten signature in black ink, appearing to read "Patrick McDonough". It is written over two horizontal lines.

January 5, 2006



### CERTIFICATE OF MAILING

We hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in the envelope addressed to:

Mail Stop Petition

Commissioner For Patents

P.O. Box 1450

Alexandria, VA 22313-1450

On January 5, 2006

Vladimir Zemlyakov

Signature

Date 01/05/2007

Patrick McDonough

Signature

Date 1-5-07